

Sixth Appellate District

San Jose, California

MONDAY, DECEMBER 4, 2000

H020528 ESTATE OF VUJICH, Deceased

The judgment is affirmed. (not published)
(Mihara, J.; We concur: Cottle, P.J., Elia, J.)
Filed December 4, 2000

TUESDAY, DECEMBER 5, 2000

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Cottle, P.J.; Elia, J.; Mihara, J.; and W. Magsaysay, Deputy Clerk.

H020872 PEOPLE v. ABUBACAR

Cause called and argued by Eleanor Kraft appearing for Appellant and by Seth K. Schalit, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H020053 PEOPLE v. VIGIL

Cause called and argued by David D. Martin appearing for Appellant and by Laurence K. Sullivan, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H021141 TICKLER v. SUPERIOR COURT; SANTA CLARA COUNTY SOCIAL SERVICES AGENCY

Cause called. Petitioner Brenda Tickler is not present. Court is informed that Petitioner has been admitted to El Camino Hospital and will not be appearing. Susan S. Levenberg, Deputy County Counsel, appearing for Real Party in Interest, is present. Cause is ordered submitted without argument. Court indicates that subject to a showing of good cause, it may allow petitioner to file additional briefing at a later time.

H021342 GUARDIAN POSTACUTE SERVICES, INC., et al. v. SUPERIOR COURT; MADELINE STRONG, et al.

Cause called and argued by Robert Axel Olson appearing for Petitioners and by Peter G. Lomhoff appearing for Real Parties in Interest. Cause ordered submitted. Court is in recess until 1:30 p.m.

Sixth Appellate District

San Jose, California

Tuesday, December 5, 2000 (continued)

The Court reconvened at 1:30 p.m in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Cottle, P. J.; Elia, J.; Mihara, J.; and S. Nasson, Deputy Clerk.

H021323 DFCS v. RITA D.

Cause called and argued by Jesse Rodriguez appearing for Appellant, by Teri Robinson, Deputy County Counsel, appearing for Respondent Santa Clara County Department of Family and Children's Services, and by Robert Masterson, Deputy District Attorney, appearing for Respondent minor. Cause ordered submitted.

H020290 PEOPLE v. AGUSTIN

Cause called and argued by Zaheer Zaidi appearing for Appellant and by Aileen Bunney, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H019942 PEOPLE v. FERNANDEZ

Cause called and argued by Ann Vandepol appearing for Appellant and by Bridget Billeter, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H020206 PEOPLE v. SINGH, et al.

Cause called and argued by Victoria Stafford appearing for Appellant Harpreet Singh, by Stephen Donovan appearing for Appellant Gurudayal Singh and by Moona Nandi, Deputy Attorney General, appearing for Respondent. Cause ordered submitted. Court is adjourned.

H021111 DFCS v. LEWIS F., et al.

The judgment is affirmed. (not published)
(Cottle, P.J.; We concur: Elia, J., Mihara, J.)
Filed December 5, 2000

Sixth Appellate District

San Jose, California

Tuesday, December 5, 2000 (continued)

H020403 PEOPLE v. BARRETT

The appeal is dismissed as taken from a nonappealable order.
(not published)

Filed: December 5, 2000

(Premo, Acting P.J.; We concur: Bamattre-Manoukian, J.,
Wunderlich, J.)

H020089 PEOPLE v MARTINEZ

By the Court*:

Appellant's petition for rehearing is denied.

Filed: December 5, 2000

*Before Cottle, P.J., Elia, J. and Mihara, J.

H019323 PEOPLE v. CURTIS

The judgment is affirmed. (not published)

(Premo, Acting P.J.; We concur: Bamattre-Manoukian, J.,
Wunderlich, J.)

Filed December 5, 2000

H020203 PEOPLE v. BRITT

The judgment is affirmed. (not published)

(Premo, Acting P.J.; We concur: Bamattre-Manoukian, J.,
Wunderlich, J.)

Filed December 5, 2000

H020751 PEOPLE v. FISHEL

The judgment is affirmed. (not published)

(Premo, Acting P.J.; We concur: Bamattre-Manoukian, J.,
Wunderlich, J.)

Filed December 5, 2000

Sixth Appellate District

San Jose, California

WEDNESDAY, DECEMBER 6, 2000

H018717 VonRATHMANN, as Special Administrator, etc. v. ASPLUND,
et al.

The judgment is affirmed. (not published)
(Wunderlich, J.; We concur: Cottle, P.J., Elia, J.)
Filed December 6, 2000

H020069 MATTHEWS v. MATTHEWS

The judgment is affirmed. (not published)
(Elia, J.; We concur: Cottle, P.J., Mihara, J.)
Filed December 6, 2000

H020487 PEOPLE v. GERONIMO

The judgment is affirmed. (not published)
(Mihara, J.; We concur: Cottle, P.J., Elia, J.)
Filed December 6, 2000

H018679 CAPPS, et al. v. SAN JOSE UNIFIED SCHOOL DISTRICT, et
al.

The portion of the order dated May 15, 1998, striking
defendants' expert witness costs in the amount of \$192,301.13 is
reversed, and the matter is remanded to the trial court for
further hearing on the issue of economic hardship to plaintiff.
In all other respects, the trial court's order of May 15, 1998,
is affirmed. The judgment filed March 2, 1998, is also affirmed.
Defendants shall have costs on appeal. (not published)
(Wunderlich, J.; We concur: Premo, Acting P.J., Bamattre-
Manoukian, J.)
Filed December 6, 2000

H020435 SOLVESON CRANE RENTAL, INC. v. RELIANCE INSURANCE
COMPANY, et al.

The matter is remanded to the trial court for a
determination of appellants' costs. In all other respects, the
judgment is affirmed. Appellants are entitled to costs on
appeal. (not published)
(Mihara, J.; We concur: Cottle, P.J., Elia, J.)
Filed December 6, 2000

Sixth Appellate District

San Jose, California

Wednesday, December 6, 2000 (continued)

H020378 DIAZ v. FINEGAN & KLING, et al.

The judgment dismissing appellant's complaint is affirmed.
(not published)
(Bamattre-Manoukian, J.; We concur: Premo, Acting P.J.,
Wunderlich, J.)
Filed December 6, 2000

THURSDAY, DECEMBER 7, 2000

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Cottle, P.J.; Elia, J.; Mihara, J. and Nancy M. Olea, Deputy Clerk.

H019362 BEUTLER v. CITY OF SAN JOSE

Cause called and argued by Thomas Fellows appearing for Appellant and by George Rios, Deputy City Attorney, appearing for Respondent. Cause ordered submitted.

H019999 PEJCHA v. TRUCK INSURANCE EXCHANGE

Cause called and argued by Brian Preston appearing for Appellant and by Ralph Mendell appearing for Respondent. Cause ordered submitted.

H019835 MOUNTAIN CASCADE, INC. v. SANTA CLARA VALLEY WATER DISTRICT

Cause called and argued by John Wilkins Busby appearing for Appellant and by Arne Blough Sandberg appearing for Respondent. Cause ordered submitted.

H019858 COLOSSAL GRAPHICS INC. v. HEWLETT PACKARD COMPANY

Cause called and argued by Ronald Katz appearing for Appellant and by Dennis Alfred Gladwell appearing for Appellant/Respondents. Cause ordered submitted. Court recesses until 1:30 p.m.

Sixth Appellate District

San Jose, California

Thursday, December 7, 2000 (continued)

The Court reconvened at 1:30 p.m in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Cottle, P. J.; Elia, J.; Mihara, J.; and Judy Son, Deputy Clerk.

H020293 PEOPLE v. HAMPTON

Cause called and argued by Ozro Childs appearing for Appellant and by Amy Haddix, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H021294 SMITH v. McCANN

Cause called and argued by Cara Finan appearing for Appellant and by Michael G. Ackerman appearing for Respondent. Cause ordered submitted.

H020250 DOW v. DEPARTMENT OF MOTOR VEHICLES

Cause called and argued by Martin Goyette, Deputy Attorney General, appearing for Appellant and by Guyton Jinkerson, appearing for Respondent. Cause ordered submitted.

H020068 H & H BAIL BONDS, INC. v. CALIFORNIA FEDERAL BANK, et al.

Cause called and argued by Antoinette McGill appearing for Appellant and by Barry Hovis appearing for Respondents. Cause ordered submitted. Court is adjourned.

Sixth Appellate District

San Jose, California

Thursday, December 7, 2000 (continued)

H020065 PEOPLE v. DIAZ

We deem Diaz's motion/petition to the superior court to constitute a petition for a writ of habeas corpus to this court seeking the same relief.

The California Department of Corrections is ordered to show cause why Diaz's petition for writ of habeas corpus should not be granted on the grounds of ineffective assistance of counsel. A formal written return shall be served and filed with the Santa Clara County Superior Court within 30 days of the issuance of remittitur in this case. (not published)

(Elia, J.; We concur: Cottle, P.J., Mihara, J.)

Filed December 7, 2000

H020686 PEOPLE v. KELLY

The petty theft conviction is reversed. In all other respects the judgment is affirmed. (not published)

(Mihara, J.; We concur: Cottle, P.J., Elia, J.)

Filed December 7, 2000

H019573 PEOPLE v. BROOKS

The judgment is affirmed. (not published)

(Mihara, J.; We concur: Cottle, P.J., Elia, J.)

Filed December 7, 2000

H019966 PEOPLE v. BONE

The judgment is affirmed. (not published)

(Premo, Acting P.J.; We concur: Bamattre-Manoukian, J., Wunderlich, J.)

Filed December 7, 2000

FRIDAY, DECEMBER 8, 2000

H019730 KOO v. YANG

The judgment is affirmed. (not published)

(Elia, J.; We concur: Cottle, P.J., Mihara, J.)

Filed December 8, 2000

Sixth Appellate District

San Jose, California

Friday, December 8, 2000 (Continued)

H019844 PAVICICH, JR. v. SANTUCCI

H020472 LOS GATOS BREWERY LTD. PARTNERS v. SANTUCCI

The judgment is affirmed. (published)

(Elia, J.; We concur: Cottle, P.J., Mihara, J.)

Filed December 8, 2000

H021622 PEOPLE v. ALAZZAWY

The judgment is affirmed. (not published)

(Bamattre-Manoukian, J.; We concur: Premo, Acting P.J.,
Wunderlich, J.)

Filed December 8, 2000

H021334 PEOPLE v IRVING

The judgment is affirmed. (not published)

(Bamattre-Manoukian, J.; We concur: Premo, Acting P.J.,
Wunderlich, J.)

Filed December 8, 2000

H021141 TICKLER v. SUPERIOR COURT OF SANTA CLARA COUNTY

By the Court:

On the court's own motion, based on the information received that the petitioner was admitted to El Camino Hospital on the date that the above-entitled cause was set for oral argument, it is ordered pursuant to rule 22.5(b), California Rules of Court, that the submission heretofore made on December 5, 2000, is vacated. Petitioner may file written argument in support of her petition within 20 days from the date of this order. Real party in interest may file a written response to petitioner's written argument within 10 days from the date of filing of petitioner's written argument in this court.

The above-entitled cause shall be resubmitted upon filing of petitioner's written argument and the response by real party in interest, if any, or upon expiration of the time periods indicated above, whichever date is earlier.

Dated: December 8, 2000 (Cottle, P.J., Elia, J., and Mihara, J., participated in this decision.)

Sixth Appellate District

San Jose, California

Friday, December 8, 2000 (continued)

H020152 PEOPLE v. GARCIA

The matter is remanded to the trial court for it to calculate and award credit for the actual time defendant has spent in jail or prison so far and any conduct credit earned while in jail, pursuant to sections 2900.5 and 4019. The court's calculation is to be entered without prejudice to defendant's right to receive appropriate behavior and worktime credit for the entire period of his prison confinement as determined by the CDC under applicable law. The court is further ordered to prepare an amended abstract of judgment and forward it to the CDC. In all other respects, the judgment is affirmed. (not published)
(Bamattre-Manoukian, J.; We concur: Premo, Acting P.J., Wunderlich, J.)
Filed December 8, 2000

H018945 PEOPLE v. ANAYA

(Filed order modifying opinion.) This modification does not effect a change in the judgment. Petition for rehearing is denied. (not published)
(Cottle, P.J.; We concur: Elia, J., Mihara, J.)
Filed December 8, 2000

H020160 PEOPLE v. CRAWFORD

The judgment is affirmed. (not published)
(Elia, J.; We concur: Cottle, P.J., Mihara, J.)
Filed December 8, 2000

H021526 PEOPLE v. BELTRAN

The judgment is affirmed. (not published)
(Bamattre-Manoukian, J.; We concur: Premo, Acting P.J., Wunderlich, J.)
Filed December 8, 2000